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ARTICLE 10

GOVERNMENT DATA PRACTICES AND PRIVACY

Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:

5B.02 DEFINITIONS.

(a) For purposes of this chapter and unless the context clearly requires otherwise, the definitions in this section have the meanings given them.

(b) "Address" means an individual's work address, school address, or residential street address, as specified on the individual's application to be a program participant under this chapter.

(c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in section 524.5-102.

(d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2, paragraph (a), and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible person fears for the person's safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made. An individual must reside in Minnesota in order to be an eligible person. A person registered or required to register as a predatory offender under section 243.166 or 243.167, or the law of another jurisdiction, is not an eligible person.

(f) "Mail" means first class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding ~~packages, parcels, (1) periodicals, and catalogues, and (2) packages and parcels~~ unless they are clearly identifiable as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal government or a state or county government agency of the continental United States, Hawaii, District of Columbia, or United States territories.

(g) "Program participant" means an individual certified as a program participant under section 5B.03.

(h) "Harassment" or "stalking" means acts criminalized under section 609.749 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.

209.6 Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

209.7 **5B.05 USE OF DESIGNATED ADDRESS.**

209.8 (a) When a program participant presents the address designated by the secretary of state  
209.9 to any person or entity, that address must be accepted as the address of the program  
209.10 participant. The person may not require the program participant to submit any address that  
209.11 could be used to physically locate the participant either as a substitute or in addition to the  
209.12 designated address, or as a condition of receiving a service or benefit, unless the service or  
209.13 benefit would be impossible to provide without knowledge of the program participant's  
209.14 physical location. Notwithstanding a person's or entity's knowledge of a program participant's  
209.15 physical location, the person or entity must use the program participant's designated address  
209.16 for all mail correspondence with the program participant.

209.17 (b) A program participant may use the address designated by the secretary of state as  
209.18 the program participant's work address.

209.19 (c) The Office of the Secretary of State shall forward all mail sent to the designated  
209.20 address to the proper program participants.

209.21 (d) If a program participant has notified a person in writing, on a form prescribed by the  
209.22 program, that the individual is a program participant and of the requirements of this section,  
209.23 the person must not knowingly disclose the participant's name or address identified by the  
209.24 participant on the notice. If identified on the notice, the individual receiving the notice must  
209.25 not knowingly disclose the program participant's name, home address, work address, or  
209.26 school address, unless the person to whom the address is disclosed also lives, works, or  
209.27 goes to school at the address disclosed, or the participant has provided written consent to  
209.28 disclosure of the participant's name, home address, work address, or school address for the  
209.29 purpose for which the disclosure will be made. This paragraph applies to the actions and  
209.30 reports of guardians ad litem, except that guardians ad litem may disclose the program  
209.31 participant's name. This paragraph does not apply to records of the judicial branch governed  
209.32 by rules adopted by the supreme court or government entities governed by section 13.045.

210.1 Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

210.2 Subdivision 1. **Display by landlord.** If a program participant has notified the program  
210.3 participant's landlord in writing that the individual is a program participant and of the  
210.4 requirements of this section, a local ordinance ~~or the landlord~~ must not require the display  
210.5 of, and the landlord shall not display, the program participant's name at an address otherwise  
210.6 protected under this chapter.

210.7 Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

210.8 Subdivision 1. **Definitions.** As used in this section:

210.9 (1) "program participant" has the meaning given in section 5B.02, paragraph (g);

210.10 (2) "location data" means ~~any data the participant specifies~~ that may be used to physically  
210.11 locate a program participant, ~~including but not limited to such as the program participant's~~  
210.12 residential address, work address, ~~and~~ or school address, and that is collected, received, or  
210.13 maintained by a government entity prior to the date a program participant's certification  
210.14 expires, or the date the entity receives notice that the program participant has withdrawn  
210.15 from the program, whichever is earlier;

210.16 (3) "identity data" means data that may be used to identify a program participant,  
210.17 including the program participant's name, phone number, e-mail address, address designated  
210.18 under chapter 5B, Social Security number, or driver's license number, and that is collected,  
210.19 received, or maintained by a government entity before the date a program participant's  
210.20 certification expires, or the date the entity receives notice that the program participant has  
210.21 withdrawn from the program, whichever is earlier;

210.22 (4) "county recorder" means the county official who performs the functions of the county  
210.23 recorder or registrar of titles to record a document as part of the county real estate document  
210.24 recording system, regardless of title or office; and

210.25 (5) "real property records" means any record of data that is maintained ~~by a county~~ as  
210.26 part of the county real estate document recording system for use by the public, data on  
210.27 assessments, data on real or personal property taxation, and other data on real property.

210.28 Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

210.29 Subd. 2. **Notification of certification.** (a) A program participant may ~~submit a notice,~~  
210.30 ~~in writing, to notify~~ the responsible authority of any government entity other than the county  
210.31 recorder in writing, on a form prescribed by the secretary of state, that the participant is  
210.32 certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The  
211.1 notice must include the program participant's name, ~~names of other program participants~~  
211.2 ~~in the household,~~ date of birth, address designated under chapter 5B, program participant  
211.3 signature, signature of the participant's parent or guardian if the participant is a minor, date  
211.4 the program participant's certification in the program expires, and any other information  
211.5 specified by the secretary of state. A program participant may submit a subsequent notice  
211.6 of certification, if the participant's certification is renewed. The contents of the notification  
211.7 of certification are private data on individuals. A notice provided pursuant to this paragraph  
211.8 is a request to protect location data unless the participant requests that specific identity data  
211.9 also be protected.

211.10 (b) To affect real property records, ~~including but not limited to documents maintained~~  
211.11 ~~in a public recording system, data on assessments and taxation, and other data on real~~  
211.12 ~~property,~~ a program participant must submit a real property notice in writing to the county  
211.13 recorder in the county where the property identified in the real property notice is located.  
211.14 To affect real property records maintained by any other government entity, a program  
211.15 participant must submit a real property notice in writing to the other government entity's  
211.16 responsible authority. A real property notice must be on a form prescribed by the secretary  
211.17 of state and must include:

- 211.18 (1) the full legal name of the program participant, including middle name;
- 211.19 (2) the last four digits of the program participant's Social Security number;
- 211.20 ~~(3) the participant's date of birth;~~
- 211.21 ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of
- 211.22 state, including lot number;
- 211.23 ~~(4) the date the program participant's certification in the program expires;~~
- 211.24 (5) the legal description and street address, if any, of the real property affected by the
- 211.25 notice;
- 211.26 (6) the address of the Office of the Secretary of State; and
- 211.27 (7) the signature of the program participant.
- 211.28 Only one parcel of real property may be included in each notice, but more than one notice
- 211.29 may be presented to the county recorder. The county recorder recipient of the notice may
- 211.30 require a program participant to provide additional information necessary to identify the
- 211.31 records of the program participant or the real property described in the notice. A program
- 211.32 participant must submit a subsequent real property notice for the real property if the
- 212.1 participant's certification is renewed legal name changes. The real property notice is private
- 212.2 data on individuals.
- 212.3 Sec. 6. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:
- 212.4 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
- 212.5 **and dissemination.** (a) Identity and location data ~~on~~ for which a program participant ~~who~~
- 212.6 ~~submits a notice seeks protection~~ under subdivision 2, paragraph (a), that are not otherwise
- 212.7 classified by law are private data on individuals. ~~Notwithstanding any provision of law to~~
- 212.8 ~~the contrary, private or confidential location data on a program participant who submits a~~
- 212.9 ~~notice under subdivision 2, paragraph (a), may not be shared with any other government~~
- 212.10 ~~entity or nongovernmental entity except as provided in paragraph (b).~~
- 212.11 (b) ~~Private or confidential location data on a program participant must not be shared or~~
- 212.12 ~~disclosed by a government entity. Notwithstanding any provision of law to the contrary,~~
- 212.13 private or confidential location data on a program participant who submits a notice under
- 212.14 subdivision 2, paragraph (a), may not be shared with any other government entity or
- 212.15 nongovernmental entity unless:
- 212.16 (1) the program participant has expressly consented in writing to sharing or dissemination
- 212.17 of the data for the purpose for which the sharing or dissemination will occur;
- 212.18 (2) the data are subject to sharing or dissemination pursuant to court order under section
- 212.19 13.03, subdivision 6;
- 212.20 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

212.21 (4) the location data related to county of residence are needed to provide public assistance  
212.22 or other government services, or to allocate financial responsibility for the assistance or  
212.23 services;

212.24 (5) the data are necessary to perform a government entity's health, safety, or welfare  
212.25 functions, including the provision of emergency 911 services, the assessment and  
212.26 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection  
212.27 of services or locations for compliance with health, safety, or professional standards; or

212.28 (6) the data are necessary to aid an active law enforcement investigation of the program  
212.29 participant.

212.30 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the  
212.31 purposes authorized in this subdivision and may not be further disclosed to any other person  
213.1 or government entity. Government entities receiving or sharing private or confidential data  
213.2 under this subdivision shall establish procedures to protect the data from further disclosure.

213.3 (d) Real property record data are governed by subdivision 4a.

213.4 (e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records  
213.5 to replace a participant's location data with the participant's designated address.

213.6 Sec. 7. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

213.7 Subd. 4a. **Real property records.** (a) If a program participant submits a notice ~~to a~~  
213.8 ~~county recorder~~ under subdivision 2, paragraph (b), the ~~county recorder~~ government entity  
213.9 must not disclose the program participant's identity data in conjunction with the property  
213.10 identified in the written notice in the entity's real property records, unless:

213.11 (1) the program participant has consented to sharing or dissemination of the data for the  
213.12 purpose identified in a writing acknowledged by the program participant;

213.13 (2) the data are subject to sharing or dissemination pursuant to court order under section  
213.14 13.03, subdivision 6; ~~or~~

213.15 (3) the secretary of state authorizes the sharing or dissemination of the data under  
213.16 subdivision 4b for the purpose identified in the authorization; or

213.17 (4) the data are shared with a government entity subject to this chapter for the purpose  
213.18 of administering assessment and taxation laws.

213.19 This subdivision does not prevent ~~the~~ a county recorder from returning original documents  
213.20 to the individuals that submitted the documents for recording. This subdivision does not  
213.21 prevent the public disclosure of the participant's name and address designated under chapter  
213.22 5B in the county reception index if the participant's name and designated address are not  
213.23 disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall  
213.24 establish procedures for recording or filing documents to comply with this subdivision.  
213.25 These procedures may include masking identity or location data and making documents or

213.26 certificates of title containing the data private and not viewable except as allowed by this  
213.27 paragraph. The procedure must comply with the requirements of chapters 386, 507, 508,  
213.28 and 508A and other laws as appropriate, to the extent these requirements do not conflict  
213.29 with this section. The procedures must provide public notice of the existence of recorded  
213.30 documents and certificates of title that are not publicly viewable and the provisions for  
213.31 viewing them under this subdivision. Notice that a document or certificate is private and  
213.32 viewable only under this subdivision or subdivision 4b is deemed constructive notice of the  
213.33 document or certificate.

214.1 (b) ~~A real property notice is notice only to the county recorder. A notice that does not~~  
214.2 ~~conform to the requirements of a real property notice under subdivision 2, paragraph (b);~~  
214.3 ~~is not effective as a notice to the county recorder. On receipt of a real property notice, the~~  
214.4 ~~county recorder shall provide a copy of the notice to the person who maintains the property~~  
214.5 ~~tax records in that county, and~~ If the recipient of the real property notice is the county  
214.6 recorder, the county recorder shall notify the county's responsible authority and provide a  
214.7 copy to the secretary of state at the address specified in the notice. If the recipient of the  
214.8 notice is the responsible authority, the responsible authority shall provide a copy to the  
214.9 secretary of state at the address specified by the secretary of state in the notice.

214.10 (c) Paragraph (a) applies only to the records recorded or filed concurrently with the real  
214.11 property notice specified in subdivision 2, paragraph (b), and real property records affecting  
214.12 the same real property created or recorded subsequent to the county's government entity's  
214.13 receipt of the real property notice.

214.14 (d) The prohibition on disclosure in paragraph (a) continues until:

214.15 (1) the program participant has consented to the termination of the real property notice  
214.16 in a writing acknowledged by the program participant. Notification under this paragraph  
214.17 must be given by the government entity to the secretary of state within 90 days of the  
214.18 termination;

214.19 (2) the real property notice is terminated pursuant to a court order. Notification under  
214.20 this paragraph must be given by the government entity to the secretary of state within 90  
214.21 days of the termination;

214.22 (3) the program participant no longer holds a record interest in the real property identified  
214.23 in the real property notice. Notification under this paragraph must be given by the government  
214.24 entity to the secretary of state within 90 days of the termination; or

214.25 (4) the secretary of state has given written notice to the ~~county recorder~~ government  
214.26 entity who provided the secretary of state with a copy of a participant's real property notice  
214.27 that the program participant's certification has terminated. Notification under this paragraph  
214.28 must be given by the secretary of state within 90 days of the termination.

214.29 Upon termination of the prohibition of disclosure, the ~~county recorder~~ government entity  
214.30 shall make publicly viewable all documents and certificates of title relative to the participant  
214.31 that were previously partially or wholly private and not viewable.

215.1 Sec. 8. [13.204] POLITICAL SUBDIVISIONS LICENSING DATA.

215.2 (a) The following data submitted to a political subdivision by a person seeking to obtain  
215.3 a license are classified as private data on individuals or nonpublic data:

215.4 (1) a tax return, as defined by section 270B.01, subdivision 2; and

215.5 (2) a bank account statement.

215.6 (b) Notwithstanding section 138.17, data collected by a political subdivision as part of  
215.7 a license application and classified under paragraph (a) must be destroyed no later than 90  
215.8 days after a final decision on the license application.

215.9 Sec. 9. Minnesota Statutes 2020, section 13.32, subdivision 1, is amended to read:

215.10 Subdivision 1. **Definitions.** As used in this section:

215.11 (a) "Educational data" means data on individuals maintained by a public educational  
215.12 agency or institution or by a person acting for the agency or institution which relates to a  
215.13 student.

215.14 Records of instructional personnel which are in the sole possession of the maker thereof  
215.15 and are not accessible or revealed to any other individual except a substitute teacher, and  
215.16 are destroyed at the end of the school year, shall not be deemed to be government data.

215.17 Records of a law enforcement unit of a public educational agency or institution which  
215.18 are maintained apart from education data and are maintained solely for law enforcement  
215.19 purposes, and are not disclosed to individuals other than law enforcement officials of the  
215.20 jurisdiction are not educational data; provided, that education records maintained by the  
215.21 educational agency or institution are not disclosed to the personnel of the law enforcement  
215.22 unit. The University of Minnesota police department is a law enforcement agency for  
215.23 purposes of section 13.82 and other sections of Minnesota Statutes dealing with law  
215.24 enforcement records. Records of organizations providing security services to a public  
215.25 educational agency or institution must be administered consistent with section 13.861.

215.26 Records relating to a student who is employed by a public educational agency or  
215.27 institution which are made and maintained in the normal course of business, relate exclusively  
215.28 to the individual in that individual's capacity as an employee, and are not available for use  
215.29 for any other purpose are classified pursuant to section 13.43.

215.30 (b) "Juvenile justice system" includes criminal justice agencies and the judiciary when  
215.31 involved in juvenile justice activities.

216.1 (c) "Parent" means a parent of a student and includes a natural parent, a guardian, or an  
216.2 individual acting as a parent in the absence of a parent or a guardian.

216.3 (d) "School-issued device" means hardware or software that a public educational agency  
216.4 or institution, acting independently or with a technology provider, provides to an individual

216.5 student for that student's dedicated personal use. A school-issued device includes a device  
216.6 issued through a one-to-one program.

216.7 ~~(e)~~ (e) "Student" means an individual currently or formerly enrolled or registered,  
216.8 applicants for enrollment or registration at a public educational agency or institution, or  
216.9 individuals who receive shared time educational services from a public agency or institution.

216.10 ~~(f)~~ (f) "Substitute teacher" means an individual who performs on a temporary basis the  
216.11 duties of the individual who made the record, but does not include an individual who  
216.12 permanently succeeds to the position of the maker of the record.

216.13 (g) "Technology provider" means a person who:

216.14 (1) contracts with a public educational agency or institution, as part of a one-to-one  
216.15 program or otherwise, to provide a school-issued device for student use; and

216.16 (2) creates, receives, or maintains educational data pursuant or incidental to a contract  
216.17 with a public educational agency or institution.

216.18 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

216.19 Sec. 10. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

216.20 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision  
216.21 5, educational data is private data on individuals and shall not be disclosed except as follows:

216.22 (a) pursuant to section 13.05;

216.23 (b) pursuant to a valid court order;

216.24 (c) pursuant to a statute specifically authorizing access to the private data;

216.25 (d) to disclose information in health, including mental health, and safety emergencies  
216.26 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code  
216.27 of Federal Regulations, title 34, section 99.36;

216.28 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),  
216.29 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,  
216.30 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

217.1 (f) to appropriate health authorities to the extent necessary to administer immunization  
217.2 programs and for bona fide epidemiologic investigations which the commissioner of health  
217.3 determines are necessary to prevent disease or disability to individuals in the public  
217.4 educational agency or institution in which the investigation is being conducted;

217.5 (g) when disclosure is required for institutions that participate in a program under title  
217.6 IV of the Higher Education Act, United States Code, title 20, section 1092;

217.7 (h) to the appropriate school district officials to the extent necessary under subdivision  
217.8 6, annually to indicate the extent and content of remedial instruction, including the results



217.9 of assessment testing and academic performance at a postsecondary institution during the  
217.10 previous academic year by a student who graduated from a Minnesota school district within  
217.11 two years before receiving the remedial instruction;

217.12 (i) to appropriate authorities as provided in United States Code, title 20, section  
217.13 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the  
217.14 system to effectively serve, prior to adjudication, the student whose records are released;  
217.15 provided that the authorities to whom the data are released submit a written request for the  
217.16 data that certifies that the data will not be disclosed to any other person except as authorized  
217.17 by law without the written consent of the parent of the student and the request and a record  
217.18 of the release are maintained in the student's file;

217.19 (j) to volunteers who are determined to have a legitimate educational interest in the data  
217.20 and who are conducting activities and events sponsored by or endorsed by the educational  
217.21 agency or institution for students or former students;

217.22 (k) to provide student recruiting information, from educational data held by colleges  
217.23 and universities, as required by and subject to Code of Federal Regulations, title 32, section  
217.24 216;

217.25 (l) to the juvenile justice system if information about the behavior of a student who poses  
217.26 a risk of harm is reasonably necessary to protect the health or safety of the student or other  
217.27 individuals;

217.28 (m) with respect to Social Security numbers of students in the adult basic education  
217.29 system, to Minnesota State Colleges and Universities and the Department of Employment  
217.30 and Economic Development for the purpose and in the manner described in section 124D.52,  
217.31 subdivision 7;

217.32 (n) to the commissioner of education for purposes of an assessment or investigation of  
217.33 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request  
218.1 by the commissioner of education, data that are relevant to a report of maltreatment and are  
218.2 from charter school and school district investigations of alleged maltreatment of a student  
218.3 must be disclosed to the commissioner, including, but not limited to, the following:

218.4 (1) information regarding the student alleged to have been maltreated;

218.5 (2) information regarding student and employee witnesses;

218.6 (3) information regarding the alleged perpetrator; and

218.7 (4) what corrective or protective action was taken, if any, by the school facility in response  
218.8 to a report of maltreatment by an employee or agent of the school or school district;

218.9 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge  
218.10 of a crime of violence or nonforcible sex offense to the extent authorized under United  
218.11 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title  
218.12 34, sections 99.31 (a)(13) and (14);

218.13 (p) when the disclosure is information provided to the institution under United States  
218.14 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized  
218.15 under United States Code, title 20, section 1232g(b)(7); ~~or~~

218.16 (q) when the disclosure is to a parent of a student at an institution of postsecondary  
218.17 education regarding the student's violation of any federal, state, or local law or of any rule  
218.18 or policy of the institution, governing the use or possession of alcohol or of a controlled  
218.19 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and  
218.20 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution  
218.21 has an information release form signed by the student authorizing disclosure to a parent.  
218.22 The institution must notify parents and students about the purpose and availability of the  
218.23 information release forms. At a minimum, the institution must distribute the information  
218.24 release forms at parent and student orientation meetings;

218.25 (r) with Tribal Nations about Tribally enrolled or descendant students to the extent  
218.26 necessary for the Tribal Nation and school district or charter school to support the educational  
218.27 attainment of the student; or

218.28 (s) a student's name, home address, telephone number, e-mail address, or other personal  
218.29 contact information may be disclosed to a government entity that is determined to have a  
218.30 legitimate educational interest in the data and that is conducting a service, activity, or event  
218.31 sponsored by or endorsed by the educational agency or institution for students or former  
218.32 students.

218.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

219.1 Sec. 11. Minnesota Statutes 2020, section 13.32, subdivision 5, is amended to read:

219.2 Subd. 5. **Directory information.** ~~Information~~ (a) Educational data designated as directory  
219.3 information is public data on individuals to the extent required under federal law. Directory  
219.4 information must be designated pursuant to the provisions of:

219.5 (1) this subdivision; and

219.6 (2) United States Code, title 20, section 1232g, and Code of Federal Regulations, title  
219.7 34, section 99.37, which are were in effect on January 3, 2012, is public data on individuals,  
219.8 to the extent required under federal law.

219.9 (b) When conducting the directory information designation and notice process required  
219.10 by federal law, an educational agency or institution shall give parents and students notice  
219.11 of the right to refuse to let the agency or institution designate ~~any or all~~ specified data about  
219.12 the student as directory information. This notice may be given by any means reasonably  
219.13 likely to inform the parents and students of the right.

219.14 (c) An educational agency or institution may not designate a student's home address,  
219.15 telephone number, e-mail address, or other personal contact information as directory

219.16 information under this subdivision. This paragraph does not apply to a postsecondary  
219.17 institution.

219.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.  
219.19 Beginning upon the effective date of this section, a student's personal contact information  
219.20 subject to this section must be treated by an educational agency or institution as private  
219.21 educational data under Minnesota Statutes, section 13.32, regardless of whether that contact  
219.22 information was previously designated as directory information under Minnesota Statutes,  
219.23 section 13.32, subdivision 5.

219.24 Sec. 12. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to  
219.25 read:

219.26 Subd. 13. **Technology providers.** (a) A technology provider is subject to the provisions  
219.27 of section 13.05, subdivision 11.

219.28 (b) All educational data created, received, maintained, or disseminated by a technology  
219.29 provider pursuant or incidental to a contract with a public educational agency or institution  
219.30 are not the technology provider's property.

219.31 (c) If educational data maintained by the technology provider are subject to a breach of  
219.32 the security of the data, as defined in section 13.055, the technology provider must, following  
220.1 discovery of the breach, disclose to the public educational agency or institution all  
220.2 information necessary to fulfill the requirements of section 13.055.

220.3 (d) Unless renewal of the contract is reasonably anticipated, within 30 days of the  
220.4 expiration of the contract, a technology provider must destroy or return to the appropriate  
220.5 public educational agency or institution all educational data created, received, or maintained  
220.6 pursuant or incidental to the contract.

220.7 (e) A technology provider must not sell, share, or disseminate educational data, except  
220.8 as provided by this section or as part of a valid delegation or assignment of its contract with  
220.9 a public educational agency or institution. An assignee or delegee that creates, receives, or  
220.10 maintains educational data is subject to the same restrictions and obligations under this  
220.11 section as the technology provider.

220.12 (f) A technology provider must not use educational data for any commercial purpose,  
220.13 including but not limited to marketing or advertising to a student or parent.

220.14 (g) A technology provider must establish written procedures to ensure appropriate  
220.15 security safeguards for educational data. These procedures must require that:

220.16 (1) the technology provider's employees or contractors have access to educational data  
220.17 only if authorized; and

220.18 (2) the technology provider's employees or contractors may be authorized to access  
220.19 educational data only if access is necessary to fulfill the official duties of the employee or  
220.20 contractor.

220.21 These written procedures are public data.

220.22 (h) Within 30 days of the start of each school year, a public educational agency or  
220.23 institution must give parents and students direct, timely notice, by United States mail, e-mail,  
220.24 or other direct form of communication, of any curriculum, testing, or assessment technology  
220.25 provider contract affecting a student's educational data. The notice must:

220.26 (1) identify each curriculum, testing, or assessment technology provider with access to  
220.27 educational data;

220.28 (2) identify the educational data affected by the curriculum, testing, or assessment  
220.29 technology provider contract; and

220.30 (3) include information about the contract inspection and, if applicable, the parent or  
220.31 student's ability to opt out of any program or activity that allows a curriculum, testing, or  
220.32 assessment technology provider to access a student's educational data.

221.1 (i) A public educational agency or institution must provide parents and students an  
221.2 opportunity to inspect a complete copy of any contract with a technology provider.

221.3 (j) A public educational agency or institution must not penalize or withhold an educational  
221.4 benefit from a parent or student who opts out of any program or activity that allows a  
221.5 technology provider to access a student's educational data.

221.6 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

221.7 Sec. 13. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to  
221.8 read:

221.9 Subd. 14. **School-issued devices.** (a) Except as provided in paragraph (b), a government  
221.10 entity or technology provider must not electronically access or monitor:

221.11 (1) any location-tracking feature of a school-issued device;

221.12 (2) any audio or visual receiving, transmitting, or recording feature of a school-issued  
221.13 device; or

221.14 (3) student interactions with a school-issued device, including but not limited to  
221.15 keystrokes and web-browsing activity.

221.16 (b) A government entity or technology provider may only engage in activities prohibited  
221.17 by paragraph (a) if:

221.18 (1) the activity is limited to a noncommercial educational purpose for instruction by  
221.19 district employees, technical support by district employees, or exam-proctoring by staff

221.20 contracted by a district, a vendor, or the Department of Education and notice is provided in  
221.21 advance;

221.22 (2) the activity is permitted under a judicial warrant;

221.23 (3) the public educational agency or institution is notified or becomes aware that the  
221.24 device is missing or stolen;

221.25 (4) the activity is necessary to respond to an imminent threat to life or safety and the  
221.26 access is limited to that purpose;

221.27 (5) the activity is necessary to comply with federal or state law; or

221.28 (6) the activity is necessary to participate in federal or state funding programs, including  
221.29 but not limited to the E-Rate program.

221.30 (c) If a government entity or technology provider interacts with a school-issued device  
221.31 as provided in paragraph (b), clause (4), it must, within 72 hours of the access, notify the  
222.1 student to whom the school-issued device was issued or that student's parent and provide a  
222.2 written description of the interaction, including which features of the device were accessed  
222.3 and a description of the threat. This notice is not required at any time when the notice itself  
222.4 would pose an imminent threat to life or safety, but must instead be given within 72 hours  
222.5 after that imminent threat has ceased.

222.6 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

222.7 Sec. 14. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to  
222.8 read:

222.9 Subd. 15. **Application to postsecondary institutions; exemption.** (a) A postsecondary  
222.10 institution is exempt from subdivisions 13 and 14. This exemption extends to a technology  
222.11 provider for purposes of a contract with a postsecondary institution.

222.12 (b) Subdivisions 13 and 14 shall not apply to a nonprofit national assessment provider  
222.13 solely for purposes of providing access to employment, educational scholarships and  
222.14 programs, financial aid, or postsecondary educational opportunities, if the provider secures  
222.15 express digital or written consent of the student or the student's parent or guardian, in  
222.16 response to clear and conspicuous notice.

222.17 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

222.18 Sec. 15. **[13.463] EDUCATION SUPPORT SERVICES DATA.**

222.19 Subdivision 1. **Definition.** As used in this section, "education support services data"  
222.20 means data on individuals collected, created, maintained, used, or disseminated relating to  
222.21 programs administered by a government entity or entity under contract with a government  
222.22 entity designed to eliminate disparities and advance equities in educational achievement  
222.23 for youth by coordinating services available to participants, regardless of the youth's

222.24 involvement with other government services. Education support services data does not  
222.25 include welfare data under section 13.46.

222.26 Subd. 2. **Classification.** (a) Unless otherwise provided by law, all education support  
222.27 services data are private data on individuals and must not be disclosed except according to  
222.28 section 13.05 or a court order.

222.29 (b) The responsible authority for a government entity maintaining education support  
222.30 services data must establish written procedures to ensure that only individuals authorized  
222.31 by law may enter, update, or access not public data collected, created, or maintained by the  
222.32 driver and vehicle services information system. An authorized individual's ability to enter,  
223.1 update, or access data in the system must correspond to the official duties or training level  
223.2 of the individual and to the statutory authorization granting access for that purpose. All  
223.3 queries and responses, and all actions in which education support services data are entered,  
223.4 updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data  
223.5 contained in the audit trail have the same classification as the underlying data tracked by  
223.6 the audit trail.

223.7 Sec. 16. Minnesota Statutes 2021 Supplement, section 299C.72, subdivision 2, is amended  
223.8 to read:

223.9 Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized  
223.10 by this section shall not be used in place of a statutorily mandated or authorized background  
223.11 check.

223.12 (b) An authorized law enforcement agency may conduct a criminal history check of an  
223.13 individual who is an applicant for employment, current employee, applicant for licensure,  
223.14 or current licensee. Prior to conducting the criminal history check, the authorized law  
223.15 enforcement agency must receive the informed consent of the individual.

223.16 (c) The authorized law enforcement agency shall not may disseminate criminal history  
223.17 data and to either the hiring or licensing authority of the city or county requesting checks  
223.18 for applicants, licensees, or current employees. The authorized law enforcement agency  
223.19 and the hiring or licensing authority of the city or county must maintain it criminal history  
223.20 data securely with the agency's office and act consistently with section 364.05. The authorized  
223.21 law enforcement agency can indicate whether the applicant for employment or applicant  
223.22 for licensure has a criminal history that would prevent hire, acceptance as a volunteer to a  
223.23 hiring authority, or would prevent the issuance of a license to the department that issues the  
223.24 license.